

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : *West et al.*  
Application No. : 10/576,956  
Filing Date : November 27, 2006  
Art Unit : 1625  
Title : Cyanine Dye Labelling Reagents  
  
Docket No. : PL0379 US

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**SUBSTITUTE APPEAL BRIEF IN RESPONSE TO A**  
**NON-COMPLIANT NOTIFICATION**

Sir:

This is in response to a Notification of Non-Compliant Appeal Brief (“Notification”) mailed November 4, 2009.

Per the Notification, Appellants respectfully submit only complete and newly amended page 3 specifically pertaining to sections III and IV in response to the Notification for reasons set forth under 37 CFR 41.37 (c)(1)(iii) and 37 CFR 41.37 (c)(1)(iv).

**I. REAL PARTY IN INTEREST**

The party in interest in this Appeal is GE Healthcare, Inc., a part of General Electric ("GE").

**II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences related to the instant appeal.

**III. STATUS OF CLAIMS**

Claims 1-6 and 10-14 are pending in this application. The Examiner has rejected all of these claims. Claims 7-9 have been cancelled and claims 15-19 have been withdrawn. Claims 1-6 and 10-14 as amended during prosecution are reproduced in the **Claims Appendix** attached hereto. Appellants are appealing the rejection of Claims 1-6 and 10-14.

**IV. STATUS OF AMENDMENTS**

Appellants submitted an Amendment After Final on June 16, 2009. No claims have been amended thereafter. An Advisory Action Before the Filing of an Appeal Brief was mailed on July 22, 2009 by the Examiner and the After Final Amendment has been entered.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent Claim 1 describes a compound of formula (I):

Amended Appeal Brief  
Serial No. 10/576,956  
Attorney Docket No.PL0379

Dated: November 19, 2009

Respectfully submitted,

/Craig M. Bohlken/  
Craig M. Bohlken  
Reg. No. 52,628  
GE Healthcare, Inc.  
101 Carnegie Center  
Princeton, NJ 08540-6231  
Phone No.: (609) 514-6530